

**U.S. District Court
U.S. District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:19-cv-00915-MJD-HB**

Contreras & Metelska, P.A. v. Executive Office for Immigration
Review et al
Assigned to: Judge Michael J. Davis
Referred to: Magistrate Judge Hildy Bowbeer
Cause: 05:552 Freedom of Information Act

Date Filed: 04/02/2019
Date Terminated: 11/08/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Contreras & Metelska, P.A.**

represented by **Nicholas Ratkowski**
Contreras & Metelska, P.A.
200 University Avenue W.
Suite 200
Saint Paul, MN 55103
651-771-0019
Fax: 651-772-4300
Email: nico@contrerasmetelska.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Executive Office for Immigration
Review**

represented by **Adam J Hoskins**
DOJ-USAO
300 S. 4th St.
Suite 600
Minneapolis, MN 55415
612-664-5600
Fax: 612-664-5787
Email: adam.hoskins@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. Department of Justice**

represented by **Adam J Hoskins**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/02/2019	<u>1</u>	COMPLAINT against All Defendants (filing fee \$ 400, receipt number AMNDC-6777482) filed by Contreras & Metelska, P.A.. Filer requests summons issued. (Attachments: # <u>1</u> Civil Cover Sheet) (Ratkowski, Nicholas) Modified text on 4/3/2019 (JLB). (Entered: 04/02/2019)
04/02/2019	2	TEXT ONLY ENTRY: CLERK'S NOTICE OF INITIAL CASE ASSIGNMENT. Case assigned to Judge Michael J. Davis per 3rd/4th Master list, referred to Magistrate Judge Hildy Bowbeer. (kt) (Entered: 04/02/2019)
04/02/2019	<u>3</u>	Summons Issued as to Executive Office for Immigration Review, U.S. Department of Justice. (kt) (Entered: 04/02/2019)
04/02/2019	4	TEXT ONLY NOTICE: Magistrate Judge Hildy Bowbeer's Practice Pointers, which have recently been revised, are available on the United States District Court for the District of Minnesota's website (www.mnd.uscourts.gov). All parties are expected to

		be familiar with and adhere to these Practice Pointers, including any variances from the Local Rules. (JMK) (Entered: 04/02/2019)
04/08/2019	<u>5</u>	NOTICE of Appearance by Adam J Hoskins on behalf of Executive Office for Immigration Review, U.S. Department of Justice. (Hoskins, Adam) (Entered: 04/08/2019)
05/06/2019	<u>6</u>	MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>8</u>	Declaration of Joseph R. Schaaf in Support of <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>9</u>	EXHIBIT G re <u>8</u> Declaration in Support, filed by Executive Office for Immigration Review, U.S. Department of Justice.(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>10</u>	MEET and CONFER STATEMENT re <u>6</u> Motion to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice.(Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>11</u>	NOTICE OF HEARING ON MOTION <u>6</u> MOTION to Dismiss/General : Date and time to be determined. (Hoskins, Adam) (Entered: 05/06/2019)
05/06/2019	<u>12</u>	PROPOSED ORDER TO JUDGE re <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice.(Hoskins, Adam) (Entered: 05/06/2019)
05/09/2019	<u>13</u>	ORDER REFERRING <u>6</u> MOTION to Dismiss/General filed by U.S. Department of Justice, Executive Office for Immigration Review to Judge Hildy Bowbeer. Signed by Judge Michael J. Davis on 5/9/2019. (GRR) (Entered: 05/09/2019)
05/10/2019	<u>14</u>	TEXT ONLY ORDER: Due to the pending Motion to Dismiss (ECF No. 6), the Court finds there is good cause to delay the entry of a pretrial scheduling order. The Court will schedule a pretrial conference, if needed, promptly after a decision is issued on the pending motion. Ordered by Magistrate Judge Hildy Bowbeer on 5/10/2019. (JMK) (Entered: 05/10/2019)
05/10/2019	<u>15</u>	ORDER setting Hearing on Motion to Dismiss (ECF No. 6): Motion Hearing set for 6/19/2019 at 09:30 AM in Courtroom 6B (STP) before Magistrate Judge Hildy Bowbeer. Briefing on the motion shall be conducted in accordance with Local Rule 7.1(c) for the District of Minnesota. Signed by Magistrate Judge Hildy Bowbeer on 5/10/2019. (JMK) (Entered: 05/10/2019)
05/14/2019	<u>16</u>	LETTER TO MAGISTRATE JUDGE by Executive Office for Immigration Review, U.S. Department of Justice . (Hoskins, Adam) (Entered: 05/14/2019)
05/15/2019	<u>17</u>	ORDER resetting hearing on Motion to Dismiss (ECF No. 6): Motion Hearing set for 6/28/2019 at 09:30 AM in Courtroom 6B (STP) before Magistrate Judge Hildy Bowbeer. Briefing on the motion shall be conducted in accordance with Local Rule 7.1(c) for the District of Minnesota. Signed by Magistrate Judge Hildy Bowbeer on 5/15/2019. (JMK) (Entered: 05/15/2019)
05/23/2019	<u>18</u>	MEMORANDUM in Opposition re <u>6</u> MOTION to Dismiss/General filed by Contreras & Metelska, P.A..(Ratkowski, Nicholas) (Entered: 05/23/2019)
06/03/2019	<u>19</u>	TEXT ONLY ORDER: Due to the pending Motion to Dismiss (ECF No. 6), the Court finds there is good cause to delay the entry of a pretrial scheduling order. The Court will schedule a pretrial conference, if needed, promptly after a decision is issued on the pending motion. Ordered by Magistrate Judge Hildy Bowbeer on 6/3/2019. (JMK) (Entered: 06/03/2019)

06/06/2019	<u>20</u>	Reply to Response to Motion re <u>6</u> MOTION to Dismiss/General filed by Executive Office for Immigration Review, U.S. Department of Justice. (Attachments: # <u>1</u> LR7.1/LR72.2 Word Count Compliance Certificate)(Hoskins, Adam) (Entered: 06/06/2019)
06/28/2019	<u>21</u>	Minute Entry for proceedings held before Magistrate Judge Hildy Bowbeer: Motion Hearing held on 6/28/2019 re <u>6</u> MOTION to Dismiss/General filed by U.S. Department of Justice, Executive Office for Immigration Review. Motion taken under advisement. A Report and Recommendation will be issued in due course. (Court Reporter Erin Drost) (BDB) (Entered: 06/28/2019)
09/26/2019	<u>22</u>	REPORT AND RECOMMENDATION re <u>6</u> MOTION to Dismiss/General filed by U.S. Department of Justice, Executive Office for Immigration Review. Signed by Magistrate Judge Hildy Bowbeer on 9/26/2019. (JMK) (Entered: 09/26/2019)
10/18/2019	<u>23</u>	ORDER ON REPORT AND RECOMMENDATION. IT IS HEREBY ORDERED that: 1. The Report and Recommendation <u>22</u> is ADOPTED; 2. Defendants' Motion to Dismiss Count I regarding Plaintiff's January 21, 2019 FOIA request is GRANTED, and Count I is DISMISSED WITHOUT PREJUDICE; and 3. Defendants' Motion to Dismiss Count II regarding Plaintiff's March 4, 2019 FOIA request is DENIED. (Written Opinion). Signed by Judge Michael J. Davis on 10/17/2019. (GRR) (Entered: 10/18/2019)
10/22/2019	<u>24</u>	First MOTION to Alter/Amend/Supplement Pleadings <u>1</u> Complaint, filed by Contreras & Metelska, P.A.. (Attachments: # <u>1</u> Exhibit(s) Proposed Amended Complaint, # <u>2</u> Exhibit(s) Proposed Amended Complaint (red-lined version), # <u>3</u> Exhibit(s) Notice of Hearing, # <u>4</u> Exhibit(s) Meet & Confer Statement)(Ratkowski, Nicholas) (Entered: 10/22/2019)
10/23/2019	<u>25</u>	ORDER granting <u>24</u> Plaintiff's Motion to Amend Its Complaint. Plaintiff shall file its Amended Complaint, in the form attached to the Motion, within seven days of the date of this Order; and Defendants shall have 14 days from the date the Amended Complaint is filed to answer or otherwise respond to the Amended Complaint. Signed by Magistrate Judge Hildy Bowbeer on 10/23/2019. (JMK) (Entered: 10/23/2019)
10/23/2019	<u>26</u>	ORDER setting PRETRIAL SCHEDULING CONFERENCE: Rule 26 Meeting Report due by 11/14/2019. Pretrial Conference set for 11/21/2019 at 04:00 PM in Courtroom 6B (STP) before Magistrate Judge Hildy Bowbeer. Signed by Magistrate Judge Hildy Bowbeer on 10/23/2019. (JMK) (Additional attachment(s) added on 10/23/2019: # <u>1</u> Consent Form) (lmb). (Entered: 10/23/2019)
10/23/2019		NOTICE OF DOCKETING CORRECTION for <u>26</u> Order/Notice of Setting/Resetting Hearings/Deadlines: The Consent form has been added to this entry and it was regenerated to all counsel of record. (lmb) (Entered: 10/23/2019)
10/23/2019	<u>27</u>	AMENDED COMPLAINT against All Defendants. filed by Contreras & Metelska, P.A.. No summons requested. (Ratkowski, Nicholas) (Entered: 10/23/2019)
11/05/2019	<u>28</u>	STIPULATION of Dismissal by Executive Office for Immigration Review, U.S. Department of Justice. Jointly Signed by Contreras & Metelska, P.A.. (Hoskins, Adam) (Entered: 11/05/2019)
11/05/2019	<u>29</u>	PROPOSED ORDER TO JUDGE re <u>28</u> Stipulation of Dismissal. (Hoskins, Adam) (Entered: 11/05/2019)
11/08/2019	<u>30</u>	ORDER. IT IS HEREBY ORDERED that the Amended Complaint in this action is dismissed with prejudice. The Court retains jurisdiction to consider a forthcoming motion for attorney fees and litigation costs under 5 U.S.C. § 552(a)(4)(E). LET JUDGMENT BE ENTERED ACCORDINGLY. Signed by Judge Michael J. Davis on 11/7/2019. (GRR) (Entered: 11/08/2019)
11/08/2019	<u>31</u>	JUDGMENT (Attachments: # <u>1</u> Civil Notice – appeal)(KDS) (Entered: 11/08/2019)